

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 12947 of 2004

Between:

- 1 Mrs.Sayeeda Begum, W/o.Ahmed Mohinuddin,
Hyderabad.
- 2 Mr.Syed Baquar Ahmed, S/o.Mr.Syed Mahmood,
Hyderabad.
- 3 Mr.Sajjad Mohd. Khan, S/o.Mr.Khizer Mohd.Khan,
Hyderabad.
- 4 Mr.Mohsin Ibrahim, S/o.Mr.Mohd Ibrahim,
Hyderabad.
- 5 Mr.Mustafa Ibrahim, S/o.Mr.Mohd, Ibrahim,
Hyderabad.

... PETITIONERS

AND

- 1 The Dist.Collector, RR Dist.
- 2 The Dy.Panchayat officer, Gram Panchayat, Jalpally, RR Dist.
- 3 The Mandal Revenue officer, Saroornagar Mandal, RR Dist.
- 4 Sri Ramulu, Sarpanch,Jalpally Village RR Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or orders more particularly in the nature of writ of Mandamus, directing the Respondents herein to remove the illegal constructions made in the area earmarked for the road in the land abetting survey No.58, Jalpally village,

Saroornagar Mandal, Ranga Reddy District.

Counsel for the Petitioner: MR.A.NARASIMHA RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following:

ORDER:

Petitioners are owners of various plots in S.No.58 situated at Jalpally village, Saroornagar Mandal, Ranga Reddy District. As per the layout plan, 60' wide road is shown towards Northern side of the layout. It is stated that fourth respondent-Sarpanch of the said village sold the Government land, which is earmarked for 60' wide road to various villagers, who are now constructing houses on the said road affecting the right of passage to the petitioners. On coming to know of the said illegal construction, petitioners made a complaint to the respondents on 12-07-2004, but so far, no action is forthcoming to stop the encroachment on the land earmarked as road. Complaining inaction on the part of the respondents in preventing the unauthorized construction, the present writ petition has been filed.

2. Learned Government Pleader, on instructions, submits that entire Survey No.58 is a patta land and adjacent to it, lands in Survey Nos.59, 60, 61 and 62 are Government lands and no encroachment as such is made in the Government land. If there is any encroachment made on the road, it is for the Hyderabad Urban Development Authority to take care of the roads. Either it should be registered in favour of the HUDA, or the respective Gram Panchayat and they have to take necessary action.

3. In view of the same, petitioner can make a representation to the HUDA for such illegal encroachment on the road, if any, and on petitioner making such representation, it is for the HUDA to see that the area which was earmarked as road in the layout be kept intact and should not be allowed to encroach upon and appropriate action should be taken for such encroachment, if any.

The writ petition is accordingly disposed of. No costs.

A.

GOPAL REDDY, J

October 27, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

- 1 The Dist.Collector, Ranga Reddy District
- 2 The Dy.Panchayat officer, Gram Panchayat, Jalpally, Ranga Reddy Dist.
- 3 The Mandal Revenue officer, Saroornagar Mandal, RR Dist.
- 4 Sri Ramulu, Sarpanch,Jalpally Village Ranga Reddy Dist.

5 Two C.C. s to the G.P. for Panchayat Raj and Rural Development, High Court

Buildings, Hyderabad (OUT).

6 Two C.D. Copies.